

Date

Mr. Matthew Reonas, Ph.D.
Policy Planner
Department of Natural Resources
Office of Conservation
<mailto:Pat.Forbes@la.gov> P.O. Box 94275
Baton Rouge, Louisiana 70804-9275

**Re: Louisiana Board of Ethics Docket No. 2021-675
Advisory Opinion**

Dear Dr. Reonas:

The Louisiana Board of Ethics, at its November 5, 2021 meeting, considered your request for an advisory opinion regarding whether members of the Louisiana Water Resources Commission are required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1.

FACTS PROVIDED

The Louisiana Water Resources Commission was created pursuant to La. R.S. 38:3097.4. The Commission is mainly an advisory body to the Department of Natural Resources, Office of Conservation. The Commission does not have any fiscal authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year.

LAWS

La. R.S. 42:1124.2.1A(1) and B(1) requires financial disclosure for each member and designee of a board or commission which has the authority to expend, disburse or invest \$10,000 or more of funds in a fiscal year on or before May 15th of each year during which the person holds office and the year following termination of the holding of such office.

La. R.S. 42:1124.2.1D(1)(a) defines a board or commission as (i) each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government; (ii) each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of this Paragraph, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

CONCLUSION

The Board concluded, and instructed me to inform you, that the members of the Louisiana Water Resources Commission are **not** required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1 at this time. Although the Louisiana Water Resources Commission is a board or commission as defined by La. R.S. 42:1124.2.1D(1)(a)(i), the Commission does not meet the \$10,000 threshold for spending, expenditures or disbursements set forth in La. R.S. 42:1124.2.1A(1). However, the Board concluded, and instructed me to inform you, that the Louisiana Water Resources Commission may want to request an advisory opinion in the future if the Commission receives future budgetary authority.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics or the Campaign Finance Disclosure Act. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
Deputy General Counsel
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.